

**STATE OF CALIFORNIA
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
MINUTES OF THE PUBLIC MEETING & CLOSED SESSION
Held on March 6, 2013
Sacramento, California**

PRESENT:

Art Carter, Chairperson
Ed Lowry, Member
Kari Johnson, Acting Executive Officer
Martin Fassler, Presiding Administrative Law Judge
Jeff Mojcher, Chief Counsel
Thomas Song, Industrial Relations Counsel II
Lee Berlin, Executive Secretary
Phyllis Eldredge, Staff Services Analyst

MINUTES OF FEBRUARY 20, 2013 MEETING:

(Approve or amend minutes of previous Board meeting)

ACTION: Member Lowry moved that the Board approve the draft minutes of the February 20, 2013 Board Meeting. Chair Carter seconded. The Board voted to approve the draft minutes of the February 20, 2013 Board meeting.

ADMINISTRATIVE MATTERS:

(Information regarding the general administration of cases pending before the Appeals Board)

1. 2012 RULEMAKING MATTERS:

(Discuss/implement Board rulemaking changes)

ACTION: Acting Executive Officer Johnson reported that the rulemaking package will be submitted to the Office of Administrative Law this week to meet the department's quarterly deadline for submission.

NEW BUSINESS:

(The Appeals Board hears and discusses new reports presented by staff.)

1. 2012/2013 BUDGET:

(Review and discuss budget issues for the fiscal year)

ACTION: Acting Executive Officer Johnson reported that she will be meeting with DIR representatives soon to discuss budget items for 2013-2014. She also reported that a scheduled purchase of law books has been put on hold because of the Federal sequester action.

OLD BUSINESS:

(The Appeals Board hears and/or discusses matters on a follow-up basis.)

ACTION: No report.

LEGISLATION:

(Review and discuss current legislation which may affect the Appeals Board)

ACTION: No report.

CHAIRPERSON'S REPORT:

(Hear report from the Chairperson on activities and issues affecting the Appeals Board.)

ACTION: Chair Carter reported he had attended the February 28 celebration of WorkSafe's 30th anniversary and noted how much the organization has grown through the years.

BOARD MEMBERS' REPORTS:

(Hear reports from Board Members on activities and issues affecting the Appeals Board.)

ACTION: Member Lowry mentioned that he had noticed a recent Supreme Court ruling regarding statutes of limitations and asked the legal team if the ruling might have some impact on the Board.

EXECUTIVE OFFICER'S REPORT:

(Report regarding administrative matters and news from the Department and Appeals Board.)

ACTION: Acting Executive Officer Johnson reported that several staff members will be taking part in a training session so they can use the ORACLE project testing platform more effectively. She also reported that Verizon and ATT are finally working together to enable access to the phone lines for the West Covina office so that the purchased phone system can be installed and used as planned.

Staff Service Analyst Eldredge gave a report on the number of serious violations cited before and after the implementation of AB 2774 in January 2011. According to the data she collected, the predicted increase in penalties or OSHAB workload did not materialize.

STAFF REPORTS:

(Reports from the Presiding ALJ and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)

ACTION: Chief Counsel Mojcher reported that Orange County Fire Authority has filed a writ. He also discussed a new format for Board agendas, which places more complicated matters at the front of the Closed Session agenda.

Any matter not completed at this meeting may be continued to subsequent meetings

PUBLIC COMMENT:

(Public comment will be entertained during the discussion of each agenda item of the Open Meeting.)

ACTION: No report.

The Board recessed to its Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

BILL NELSON GENERAL ENGINEERING CONSTRUCTION INC.,
10-R2D5-2399 AND 2400

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Chair Carter seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

CONTEMPORARY SERVICES CORP., 12-R3D1-0640

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Chair Carter seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

CRAIN WALNUT SHELLING INC., 11-R2D3-1223 AND 1224

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Chair Carter seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

LNI CUSTOM MANUFACTURING, INC., 12-R6D2-0250 THROUGH 0254

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Chair Carter seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-0439

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Chair Carter seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

ABDUL G. ZADEH DBA ISLAND AUTO PARTS WAREHOUSE, INC.,
12-R3D3-1213 AND 1214

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Chair Carter seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

DECISION AFTER REMAND:

FDO INC. DBA GRAND AMERICAN DOORS, 10-R6D2-1215 THROUGH 1219

ACTION: Member Lowry moved that the Board approve this Decision After Remand of an Administrative Law Judge. Chair Carter seconded the motion. The Board voted to approve this Decision After Remand of an Administrative Law Judge.

ORDERS OF ADMINISTRATIVE LAW JUDGES:

3411 BUILDERS, INC., 12-R6D5-1853 AND 1854
APNIVEX CORP. DBA COMM-FAB, 12-R6D2-1066 AND 1067

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B&B PIPE AND TOOL CO., 12-R6D2-1648 THROUGH 1656
BERNARDS BROS. INC. DBA BERNARDS BUILDERS, 12-R4D3-1229
BEST WESTERN INN AND SUITES, 12-R2D2-1984
B N B T BUILDERS, INC. DBA BNBUILDERS, INC., 12-R1D1-1521 AND 1522
B & S PALLETS, 12-R6D2-2248 THROUGH 2251
CHOONG HYUN MISSION CHURCH, 12-R4D1-1540
COASTAL EMPLOYMENT, INC., 12-R3D5-0994
COCA COLA BOTTLING COMPANY OF SOUTHERN CALIFORNIA, 12-R3D2-3158 *
CSC, 12-R3D3-3256
DAVEY TREE SURGERY COMPANY, 11-R1D5-1561
DEPLOYHR INC., 12-R6D2-0026 THROUGH 0029
DESIGN QUEST CUSTOM, INC., 12-R4D1-1499 THROUGH 1501
DEVCON CONSTRUCTION, INC., 10-R1D2-2706 THROUGH 2707 *
DON LINDSTROM ENTERPRISES, 11-R6D2-2808
DPI SPECIALTY FOODS, 12-R6D2-0833 THROUGH 0835
DRYTECH ENTERPRISE, INC., 12-R4D1-1436 AND 1437
ELITE SCREENING, INC., 12-R3D5-2653 AND 2654
ESPARZA ENTERPRISES, INC., 11-R2D5-3034
FOAM DISTRIBUTORS, INC., 12-R1D4-3521 THROUGH 3523
FOREST LAWN MEMORIAL PARK ASSOCIATION, 12-R4D1-1728 AND 1729
FREMONT UNION HIGH SCHOOL DISTRICT CUPERTINO HIGH, 12-R1D2-1553
THROUGH 1554 *
GODO FARM LABOR CONTRACTOR, 12-R2D5-0525
GRIMMWAY ENTERPRISES INC., 12-R2D5-0866
HAXTON MASONRY INC., 11-R3D2-3297
HEADSTART NURSERY, INC., 12-R3D3-3304 AND 3305
HOYT ROOFS, INC., 12-R3D1-1565
HUXTABLE KITCHEN, INC., 12-R4D2-1543 THROUGH 1545
INTERNATIONAL SECURITY ACADEMY, INC., 12-R4D1-1402
J & M, INC., 12-R2D2-2068
KELLY TOOL & MFG. CO., INC., 12-R4D2-0822 THROUGH 0824
KSM CONSTRUCTION, INC., 12-R4D2-1363 THROUGH 1365
KONO FARMS INC. DBA KONO FARMS, 12-R3D3-2924
LABOR READY, 12-R3D6-1432
LA CITY LOS ANGELES WORLD AIRPORTS, 12-R4D1-1840
LA CITY WATER & POWER, 12-R4D1-1609
HOWARD LEE DBA SEOUL MARKET, 12-R4D1-1403
LIDDERDALE ENTERPRISES, INC., DBA THE SET SHOP, 12-R4D1-1128
LOS ANGELES COUNTY DEPT. OF MENTAL HEALTH, 12-R3D5-1682
MOUNTAIN CASCADE, INC., 12-R1D5-1693
MPM BUILDING SERVICES, INC., 12-R4D1-1082 THROUGH 1085
MR. FAUX'S FINISHES, 12-R3D2-1744 AND 1745
MURGUIA CONSTRUCTION, INC., 12-R3D1-1260 THROUGH 1264
NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0392 THROUGH 0397
NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0398 THROUGH 0403
NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0404 THROUGH 0407

NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-1239 THROUGH 1242
NIBBI BROS. ASSOCIATES, INC., DBA NIBBI CONCRETE, 12-R1D1-0409
THROUGH 0413
OC FRAMING, INC., 12-R6D5-1470 THROUGH 1472
ORANGE COUNTY CONTAINER GROUP, 12-R3D6-1604
PACKERS SANITATION SERVICES, INC., 12-R1D4-2146
PARKS MANAGEMENT CORP DBA SIX FLAGS DISCOVERY KINGDOM,
12-R2D2-2181 AND 2182
RAY PERRY DBA RAY'S MASONRY, 12-R6D7-2139 AND 2140 *
PLEASANTON DEVELOPMENT COMPANY, 12-R1D4-3414 AND 3415
PORT OF OAKLAND – OAKLAND INTERNATIONAL AIRPORT, 11-R1D4-2610
PORTS AMERICA – EVERGREEN TERMINAL, 12-R6D2-1957
POWELL CONSTRUCTORS, 12-R3D5-1266
QUETICO LLC., 12-R6D2-2281 THROUGH 2286
REAL ESTATE CONSULTING & SERVICES, INC., 12-R3D3-1603
ROBERTSON'S READY MIX, INC., 12-R5D3-1851
ROTTMAN DRILLING CO., 12-R6D2-2082 AND 2083
SAFEWAY INC. DIV. VONS MILK PLANT, 12-R6D2-3590 THROUGH 3592
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (BART), 12-R2D2-1251
SCHUFF STEEL COMPANY, 12-R1D1-2315
SIMPLE STAFFING, INC., 11-R4D2-2800
SOUTH VALLEY MUSHROOM FARM, INC., 12-R1D2-2144
SRS GILBERT INDUSTRIAL COATINGS, INC., 12-R1D3-3052 THROUGH 3054 *
SUNNYGEM, LLC, 12-R4D3-2110 AND 2111 *
TROYS DRYWALL, 12-R3D2-0892
TIGHT QUARTERS, 12-R3D1-3318
BRAD THOMPSON DBA BC THOMPSON, 12-R3D6-0961 THROUGH 0964
TEO'S ROOFING AND WATERPROOFING, 12-R1D3-1858
TREEHOUSE ALMONDS, 12-R2D5-1801 THROUGH 1806
TSI DIXON, 12-R6D3-2448
VANDENBERG MFG CO. INC., 12-R6D2-1328 THROUGH 1331
WOODSIDE INVESTMENTS INC., DBA MICHAEL & COMPANY, 11-R2D1-2763
AND 2764
WORLD CLASS DISTRIBUTION, 11-R6D2-3262 THROUGH 3264
WAL-MART STORES INC. DBA WAL-MART STORE #3494, 12-R3D2-1740
ZINUS, INC., 12-R1D4-2573

ACTION: Member Lowry moved that the Board approve these Orders of Administrative Law Judges. Chair Carter seconded. The Board voted to approve these Orders of Administrative Law Judges. Orders with asterisks are deemed approved as amended.

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

JAZZ GROUP, INC./ IMPERIAL REPAIR GROUP, INC. DBA IMPERIAL TRUCK WASH & REPAIR, 13-R2D4-9019

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ACTION: Member Lowry moved that the Board approve this Order Denying Leave to file Late Appeal of an Administrative Law Judge. Chair Carter seconded. The Board voted to approve this Order Denying Leave to file Late Appeal of an Administrative Law Judge.

MILLER ENVIRONMENT, INC., 13-R4D1-9020

ACTION: Member Lowry moved that the Board approve this Order Denying Leave to file Late Appeal of an Administrative Law Judge. Chair Carter seconded. The Board voted to approve this Order Denying Leave to file Late Appeal of an Administrative Law Judge.

PETITIONS FOR RECONSIDERATION

BIG LOTS #4038, 11-R3D2-1929 THROUGH 1931

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Chair Carter seconded. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

EDCO WASTE & RECYCLING SERVICES, INC., 12-R3D2-0163 AND 0164

ACTION: Member Lowry moved that the Board vote to approve this draft Denial of Petition for Reconsideration for signature. Chair Carter seconded. The Board voted to approve this draft Denial of Petition for Reconsideration for signature.

HOFFMAN FOOD MANAGEMENT CO., LLC, 12-R6D7-9156

ACTION: Member Lowry moved that the Board vote to approve this draft Denial of Petition for Reconsideration for signature. Chair Carter seconded. The Board voted to approve this draft Denial of Petition for Reconsideration for signature.

K H S & S OF CONCORD, INC., 11-R2D2-0374 AND 0375

ACTION: Member Lowry moved that the Board vote to grant the Petition for Reconsideration. Chair Carter seconded. The Board voted to grant the Petition for Reconsideration.

RAJ KUMAR SHARMA DBA SUNRISE ORCHARDS, 10-R2D1-3391

ACTION: Member Lowry moved that the Board vote to approve this draft Denial of Petition for Reconsideration for signature. Chair Carter seconded. The Board voted to approve this draft Denial of Petition for Reconsideration for signature.

SIERRA FOREST PRODUCTS, 09-R2D5-3979

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ACTION: Member Lowry moved that the Board vote to grant the Petition for Reconsideration. Chair Carter seconded. The Board voted to grant the Petition for Reconsideration.

STEVEN D. ANDERSON CONSTRUCTION DBA ANDERSON CONSTRUCTION,
12-R6D5-9181

ACTION: Member Lowry moved that the Board vote to approve this draft Denial of Petition for Reconsideration for signature. Chair Carter seconded. The Board voted to approve this draft Denial of Petition for Reconsideration for signature.

THYSSENKRUPP ELEVATOR CORPORATION, 11-R2D1-2217 ~ 2219

ACTION: Member Lowry moved that the Board vote to approve this draft Denial of Petition for Reconsideration for signature. Chair Carter seconded. The Board voted to approve this draft Denial of Petition for Reconsideration for signature.

YNT HARVESTING, 08-R2D5-5010

ACTION: Member Lowry moved that the Board vote to approve this draft Denial of Petition for Reconsideration for signature. Chair Carter seconded. The Board voted to approve this draft Denial of Petition for Reconsideration for signature.

MATTERS HELD OVER FROM PREVIOUS MEETINGS:

(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)

MATTERS PENDING RECONSIDERATION:

(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)

A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592

AC TRANSIT, 08-R1D4-0135

AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786

ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655

BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963

BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241

BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448

BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563

CALIFORNIA ERECTORS, INC., 10-R1D2-2772 THROUGH 2775

C.C. MYERS, INC., 08-R1D1-952 THROUGH 955

CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282

COFFMAN SPECIALTIES, INC., 10-R3D3-3532

COMMERCIAL METAL FORMING, 09-R3D1-1592

COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484

CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960

CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
EZ MIX, INC., 08-R4D3-1898
GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
HARRIS CONSTRUCTION, 03-R2D5-3914
HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
IRWIN INDUSTRIES, 08-R6D4-1454
LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
LFP VIDEO GROUP LLC DBA HUSTLER VIDEO, 11-R6D2-0966 ~ 0968
LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
LION RAISINS, INC., 08-R2D5-2253 AND 2254
L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791

ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-0364

ACTION: Chief Counsel Mojcher discussed this matter.

OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC.,
08-R2D1-0025 AND 0026
PERSONNEL PLUS, INC., 11-R3D5-1302
ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
SMUD, 08-R2D1-4887 THROUGH 4889
MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414
THROUGH 3418

SOUTHERN CALIFORNIA EDISON CO., 12-R3D3-0499

ACTION: Chief Counsel Mojcher discussed this matter.

SOUTHLAND-TUTOR-PERINI JOINT VENTURE, 11-R5D1-3248
STAFFCHEX, 10-R4D3-2456 THROUGH 2458
SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310

LEGISLATION:

ACTION: No report.

PENDING LITIGATION:

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

1. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
ACTION: Chief Counsel Mojcher reported that there will be a hearing on this matter on March 8.
2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
4. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-80006047 (07-R5D1-3611)
ACTION: Chief Counsel Mojcher noted that a brief on this matter is due on March 22, while a hearing is set in April.
5. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
6. SMUD, 34-2010-80000723 (08-R2D1-4887)
7. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
8. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
9. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
10. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
11. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
12. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)
13. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039 (07-R2D3-0275)
14. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)

15. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
16. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
17. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
18. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
19. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
20. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
21. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
22. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
23. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
24. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
25. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
26. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
27. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
28. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
29. HOME DEPOT USA, INC., BS141301 (10-3284)
30. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)

PERSONNEL: *(Issues regarding staff)*

ACTION: No Report

The Closed Session adjourned at 12:33 p.m. and the Board returned to the Public Meeting. The Appeals Board incorporated by reference its ACTIONS in the Closed Session, as indicated above. The meeting was adjourned at 12:34 p.m.